IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 4612 of 2005

RAM JI VYAS & ANR.
V/S
STATE & ORS.

Mr. SD VYAS, for the appellant / petitioner

Mr. NM LODHA,A.A.G., Mr. SP SHARMA, & Mr. HS BALOT for the respondent

Date of Order : 29.10.2007

HON'BLE SHRI N P GUPTA,J.
HON'BLE SHRI MUNISHWAR NATH BHANDARI,J.

ORDER

Heard learned counsel for the parties.

By this P.I.L. the petitioners claiming to be well known in the field of environment, and forestry seeks to claim the following reliefs:-

> "i. by an appropriate writ order or direction the order the non-petitioners be directed to cancel all those applications which have been made for the forest area and refund should be made to the people with compensation,
>
> ii. by an appropriate writ order or direction the order the compensation should be recovered from the personal pocket of non-petitioner no.3 Mining Engineer,
>
> iii. by an appropriate writ order or direction the order the it may be directed to the non-petitioner that no application should be entertained unless an advertisement had been issued detailing all the particulars required under the Rules of 1986 for the purposes of applying wherein details are required to be mentioned and without there being any advertisement no application should be taken by the department for the quarry licence in

future,

iv. by an appropriate writ order or direction the order the criminal case against the non-petitioner no.3 should be registered against non-petitioner for the offence under the Prevention of Corruption Act and also for the offences under the Indian Penal Code,

v. any other writ, order or direction which this Hon'ble Court may deem just and proper in the facts and circumstances may kindly be passed favourable to the petitioner,

vi. Costs of this writ petition may kindly be allowed to the humble petitioner."

From the pleadings taken from time to time by either side, and the documents produced on record, it has come, that the notification was issued inviting applications being notification dated 10.3.2005, then a stay was granted by Hon'ble the Supreme court on 8.4.2005, then the State Government vide order dt. 2.6.2005 stayed the circular of 10.3.2005, and thereafter vide circular dt. 23.11.2006 has cancelled, and recalled the circular dt. 10.9.2004, so also the circular dt. 10.3.2005, issued in furtherance of the circular dt. 10.9.2004. Obviously all applications received pursuant thereto have not been processed at all, and no mining leases have been granted,and are not going to be granted in the forest area.

In that view of the matter, relief no. 1 no more survives. Coming to second relief, learned counsel for the petitioner was pointedly asked as to what damages or

sufferance has been suffered by the petitioners, or the Forest Department, on account of sequence of events comprehended, and covered by the writ petition, and the pleadings, but learned counsel could point out none. IN that view of the matter, second relief also no more survives. Then, so far third relief is concerned, in view of above, this also no more survives. Then, coming to relief no. 4, it is informed that criminal investigation has resulted into submission of final report against the non-petitioner no.3, and we do not find any ground to take any action in that regard in our P.I.L. jurisdiction.

Obviously, the net result is that the petitioner is not entitled to any other relief. The petition is, therefore, dismissed.

(MUNISHWAR NATH BHANDARI),J. (N P GUPTA),J.

/sushil/